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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,600	10/29/2003	Jeffrey F. Hatalsky	5957-63700	6849
35690 7590 05/13/2008 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
EXAMINER SHIBRU, HELEN				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 05/13/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,600

Applicant(s)

HATALSKY ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13 and 15-41 is/are pending in the application.
- 4a) Of the above claim(s) 23-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 23-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments, filed 01/108/2008, have been entered and made of record. Claims 7 and 14 are cancelled and claim 1-6, 8-13, and 15-41 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. Figs. 1-2 and 4-5 are still objected to under 37 CFR 1.83(a) because they fail to show the proper labels or legend corresponding to all blocks as described in the specification. Although components 22, 30, 32 and 34 are labeled, components 12, 18, 14, 24, 26 and 28 are not still labeled. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8, 10-13, 15, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bannai (US Pat. No. 5,412,486) in view of Kazumasa (JP 10066014).

Regarding claim 1, Bannai discloses a video-editing system comprising: a storage medium storing therein frames of progressively-encoded video stream, each frame including corresponding frame data (see col. 7 lines 9-15); a processing element in data communication with the storage medium, a processing element in data communication with the storage medium, the processing element being configured to fetch frames of the video stream from the storage medium a selected extent of the frame data (see fig. 18, abstract, col. 7 line 41-67 where it teaches first images are reduced and second images are generated).

Claim 1 differs from Bannai in that the claim further requires fetching frames of the video stream from the storage medium including fetching dynamically-determined extents of the corresponding frame data.

In the same field of endeavor Kazumasa discloses fetching frames of the video stream from the storage medium including fetching dynamically-determined extents of the corresponding frame data (see abstract, solution images are read out in real time from the memory). Therefore in light of the teaching in Kazumasa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bannai by fetching frames dynamically in order to process the frames individually.

Regarding claim 2, Bannai discloses the processing element comprises a decoder configure to transform the fetched frame data into a form suitable for display on a display device (see col. 5 lines 45-51, col. 8 lines 5-31 and fig. 1 units 3 and 9, see also Kazumasa solution where it discloses the images are displayed onto a monitor).

Regarding claim 3, Bannai discloses the processing element is configured to execute an editing process for receiving instructions specifying the selected extents (see col. 8 line 43-col. 9 line 35 see also rejection of claim 1 for the dynamically determined extents).

Regarding claim 4, Bannai discloses the processing element is configured to execute an editing process to the extents on the basis of traffic on a data transmission channel providing data communication between the processing element and the storage medium (see fig. 1 col. 7 line 56-col. 8 line 19 see also claim 1 rejection for the dynamically determined extents).

Regarding claim 5, Bannai discloses in response to detection of a pause in displaying the video stream, the processing element is configured to execute an editing process to fetch additional portions of the frame data for currently displayed frame (see col. 8 line 62-col. 9 line 23).

Regarding claims 8 and 15, the limitation of claims 8 and 15 can be found in claims 1 and 2. Therefore claims 8 and 15 are analyzed and rejected for the same reasons as discussed in claims 1 and 2.

Regarding claims 11 and 18, Bannai discloses receiving an instruction specifying a desired image quality (see col. 6 and see also claim 1 rejection above for dynamically determining); and selecting an extent consistent with the desired image quality (see cols. 7-9).

Claims 10 and 12-13 are rejected for the same reason as discussed in claims 3-5 respectively above.

Claims 17 and 19-20 are rejected for the same reason as discussed in claims 3-5 respectively above.

Regarding claim 21, Kazumasa discloses the processing element is configured to vary the determined extent for each frame in the video stream (see the abstract and solution, the images are read out in real time).

Regarding claim 22, Kazumasa discloses varying the extent fetched for each frame in the video stream (see solution and claim 1 rejection above).

6. Claims 6, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banni in view of Kazumasa and further in view of Official Notice.

Regarding claims 6, 9 and 16, Although Banni fails to disclose the stored frame include wavelet-transform encoded data, Banni teaches filtering and subsampling fine-line edges.

Official Notice is taken that it is well known in the art at the time the invention was made to provide frames containing wavelet-transform encoded data in order to extract edges.

Election/Restrictions

7. Newly submitted claims 23-41 directed to an invention that is independent or distinct from the invention originally claimed. The claims recites limitations which are different from originally presented, such as vary, in real time, **the portions** of the progressively encoded data received for each of the plurality of video streams, fetching the one or more progressively-encoded video files **according to the determined extent**, dynamically vary the portion of frame data received for **each of the plurality of streams**, determining a subportion of frame data to be received in frames of a first progressively- encoded first video stream; receiving frame data from frames in at least the first video stream according to the determined subportion; displaying the received first video stream; receiving an indication to pause displaying of the first video stream; and in response to the indication to pause: receiving remaining portions of frame data for a currently displayed frame of the first video stream; and displaying the currently displayed frame with improved image quality, one or more processors; and a memory storing program instructions executable to implement a video editing program to: adaptively control the extent of frame data received for each of a plurality of progressively-encoded video streams, one or more transmission channels coupling the storage system to the one or more processors; and wherein the program instructions are executable to adaptively control the extent of frame in response to one or more user-specified commands, adaptively controlling the percentage of frame data received for each of a plurality of progressively-encoded video streams.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-41 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Duncan et al. discloses fetching image data in real time.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
April 3, 2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621